

## **CHAPTER 7: SLOW, LOW AND SPECIAL VEHICLES**

### **CHAPTER OVERVIEW**

This chapter presents a state-by-state examination of regulations concerning slow, low and special vehicles at highway-rail grade crossings.

"Slow and Low Vehicles" are variously referred to in the statutes as types of heavy equipment, e.g. any crawler-type tractor, steam shovel, derrick, roller or any other equipment or structure having a normal operating speed of ten miles per hour or less. Some statutes specifically mention six miles per hour or less and one as low as four miles per hour in this category of vehicles.

"Special Vehicles" as they are referred to in the statutes are vehicles carrying usually passengers for hire and school buses carrying children. Also included under this category are vehicles carrying explosive substances, flammable materials or other types of hazardous materials.

With the exception of Alaska, all of the states require one or more of the vehicles in these two categories to come to a full stop before traversing a highway-rail crossing. Federal regulations require every bus transporting passengers and vehicles carrying hazardous materials to stop and to listen and look in both directions along the tracks for an approaching train. When it is safe to do so, drivers may cross however, Federal regulations prohibit the drivers from manually shifting gears while moving across the tracks. For a complete listing of vehicles required to stop under Federal regulations, see 49 CFR 392.10 (1997).

This chapter also contains a listing of "Exempt Crossings" at which the requirements for slow, low or special vehicles have no application. The majority of the requirements are based on Federal regulations which exempt the following crossings from the stopping requirements:

- 1) A streetcar or railroad crossing which is used exclusively for industrial purposes within a business district.
- 2) A crossing where a police officer or flagman directs traffic to proceed.
- 3) A crossing controlled by a functioning highway traffic signal transmitting a green indication which under local law permits the vehicle to proceed across the tracks without slowing or stopping.
- 4) A clearly marked abandoned crossing.
- 5) An industrial or spur line railroad grade crossing marked with a sign reading "EXEMPT". The "exempt" sign must have been erected by or with the consent of local authority. For a listing of these exempt crossings. 49 CFR 392.10(b)-1 to -5 (1992).

As is the case throughout this book, all citations pertaining to the topics outlined in this chapter are included in the text.

## STATE LAWS, REGULATIONS AND PENALTIES

### ALABAMA

**Slow and Low Vehicles** - Alabama's definition of vehicles that make up this category is consistent with the majority of states. Alabama defines vehicles in this category as "any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across the tracks."

Alabama state law requires persons operating slow and low vehicles to stop before moving over a highway-rail crossing. The stop must be made fifteen to fifty feet from the nearest rail, the operator must look and listen for trains and train signals, and the operator may cross only when it is safe to proceed.

**Special Vehicles** - Alabama law does not specifically mention types of vehicles in this category. The law does provide however, that the Director of Highways shall adopt regulations as may be necessary describing the vehicles which must comply with special stopping requirements. The director must formulate the regulations on the basis of the number of passengers carried by the vehicle and the hazardous nature of any substance carried.

Before crossing any highway-rail crossing, the driver must stop the vehicle within fifteen to fifty feet of the nearest rail of the tracks. While stopped, the driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The driver shall not proceed until it is safe to do so. While moving over the crossing, the driver is prohibited from manually shifting gears. Ala. Code § 32-5A-151(a)-(c) (1999).

**Exempt Crossings** - The stopping regulations do not apply at highway-rail crossings where traffic is controlled by a police officer, flagman or traffic control signal. They also do not apply at crossings which are protected by crossing gates or any alternately flashing light signals which are intended to give warning of an approaching train or at crossings where an official traffic control device gives notice that the stopping requirements do not apply. Ala. Code § 32-5A-151(b)-1 to-4 (1999).

### ALASKA

**Slow and Low Vehicles** - Alaska law prohibits drivers of crawler-type tractors, steam shovel, derricks, rollers, or any other equipment or device having a normal operating speed of ten or less miles per hour or a vertical body or load clearance to less than one-half inch per foot or a vertical distance between any two adjacent axles or in any event of less than nine inches measured from the surface of a roadway from driving across a highway-rail crossing without first stopping within fifteen to fifty feet from the nearest rail of the railroad. After complying with the stopping requirements, the driver may then proceed only when it can be done safely.

Before making any such crossing, Alaska law requires that notice of the intended crossing be given to a station agent of the affected railroad allowing a reasonable period of time for railroad to provide proper protection at the crossing.

The stopping requirements do not apply at any highway-rail crossing where warning of the immediate approach of a train is being given. If a flagman is provided by the railroad, movement over the crossing must be done at his direction. Alaska Admin. Code tit. 13, § 02.255. (See also 13 AAC 02.240 concerning stopping distances).

**Special Vehicles** - Alaska requires mandatory stops at within fifteen to fifty feet of the nearest rail of the railroad at a highway-rail crossing by drivers of vehicles carrying passengers for hire, a school bus, or a vehicle carrying an explosive substance or a flammable liquid as a cargo or part of a cargo.

While stopped, the drivers of these vehicle must listen and look in both directions along the track for approaching trains and for a signal indicating the approach of a train, and may not proceed until the crossover can be made safely.

The driver of a school bus approaching a highway-rail crossing must activate the vehicle's amber lights for a distance of not less than three hundred feet before stopping.

After complying with the stopping and proceeding safely, drivers of these special vehicles are not allowed to shift gears while moving across the crossing. Alaska Admin. Code tit. 13, § 02.250 (Also see 13 AAC 02.240 concerning stopping distance).

**Exempt Crossings** - The stopping requirements do not apply at highway-rail crossing where traffic is being directed by a police officer, an authorized flagman, or an official traffic control device.

## **ARIZONA**

**Slow and Low Vehicles** - No person in Arizona may operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten miles per hour or less, without first coming to a complete stop fifteen to fifty feet from the nearest rail. After stopping, the operator must look and listen for trains and train signals. Before making the crossing, notice of intent must be given to a station agent.

If the railroad provides a flagman for the crossing of slow and low vehicles, the crossing must be under the flagman's direction. Ariz. Rev. Stat. Ann. § 28-854 (1999).

**Special Vehicles** - Arizona law requires drivers of motor vehicles carrying passengers for hire, school buses carrying any children, and vehicles carrying hazardous materials as cargo or part of a cargo while carrying it to or returning from a delivery to stop at crossings.

Drivers of these special vehicles must stop within fifteen to fifty feet of the nearest rail at all highway-rail crossings. After the stop is made, the driver must listen and look in both directions for approaching trains and for signals indicating the approach of a train and may not proceed until it is safe to do so. The driver may not manually change gears while crossing the tracks. Ariz. Rev. Stat. Ann. § 28-853 (1999).

**Exempt Crossings** - Stops are not required at crossings where a police officer or a traffic control signal directs traffic to proceed. Also exempt from this section are highway-rail grade crossings within a business or residential district. Ariz. Rev. Stat. Ann. § 853 (1999).

## **ARKANSAS**

**Slow and Low Vehicles** - It is unlawful for a person to operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of up to ten miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or, in any event, of less than nine inches measured above the level surface of a roadway without first giving notice to a station agent of the railroad. Any notice should allow reasonable time for the railroad to provide proper protection at the crossing. If a flagman is provided by the railroad, movement over the crossing must be made under the flagman's direction.

Before crossing, the driver of the slow or low vehicle must first stop not less than fifteen or more than fifty feet from the nearest rail of the tracks. While stopped, the driver is required to listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. The driver may not proceed until the crossing can be accomplished in a safe manner. Ark. Code Ann. § 27-51-705 (Michie 1998).

**Special Vehicles** - Arkansas requires drivers of motor vehicles carrying passengers for hire and any school bus transporting any children to stop within fifty but not less than fifteen feet from the nearest rail of the tracks. While stopped, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train and may not proceed until it is safe to do so.

The law imposes the same requirement for a driver of any vehicle carrying explosive substances or flammable liquids as cargo or part of a cargo. Ark. Code Ann. § 27-51-703 (Michie 1998).

In addition to vehicles carrying hazardous materials or cargo, Arkansas law imposes stopping requirements on trucks carrying explosive substances or flammable liquids or gasses as cargo or part of a cargo. While the distance parameters are the same, the driver has the additional requirement of opening the driver's side door of the truck or rolling down the window at least 12" in order to remove any obstruction of the sound of a train whistle. The driver must also listen and look along the track in both directions for any approaching train or signals indicating the approach of a train and may proceed to cross the tracks only after it is safe to do so.

### **Penalty**

A violation of this particular section subjects the driver to the following penalties: 1) The first conviction results in a fine of not less than one hundred or more than three hundred dollars and suspension of the chauffeur's license of the operator for thirty days; 2) For the second offense, the operator may be fined not less than one hundred or more than three hundred dollars and have his chauffeur's license suspended for one year. Ark. Code Ann. § 27-51-704 (Michie 1998).

**Exempt Crossings** - The special vehicle stopping requirements do not apply to school buses and vehicles carrying passengers for hire at a crossing where there is a police officer or a traffic control signal directing traffic to proceed. The stopping requirements also do not apply at highway-railway grade crossings within a business or residential district. Ark. Code Ann. § 27-51-703 (Michie 1998). This exemption does not apply to trucks carrying explosive cargo or flammable liquids.

## **CALIFORNIA**

**Slow and Low Vehicles** - California law does not have requirements concerning stops at all highway-rail crossings by drivers of slow and low vehicles.

**Special Vehicles** - California law requires drivers of school buses, school activity buses, buses carrying passengers for hire, trucks transporting employees outside the cab, buses transporting employees and buses transporting minors on any outing organized on a group basis to stop at crossings. Also covered under the statute are vehicles carrying explosive substances as cargo or part of a cargo, tank vehicles whether loaded or empty and vehicles transporting more than one hundred twenty gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than twenty gallons as cargo or the major portion of a cargo.

Each vehicle for which a stop is required must do so within fifteen to fifty feet of the nearest rail at all highway-rail crossings. While stopped, the driver is required to listen and look along the track in both directions for any approaching train and must not proceed until it is safe to do so. Upon proceeding, the gears may not be shifted manually while crossing the tracks. Cal. [Veh.] Code § 22452 (West 1999).

If a driver fails to stop as required by this section, his driver's license may be suspended for not more than six months. Cal. [Veh.] Code § 13201 (West 1999).

**Exempt Crossings** - California does not require drivers to stop at tracks running upon and along the roadway in business or residential districts or where a traffic officer or official traffic control signal directs traffic to proceed. Also, stops are not required at railroad crossings where an official railroad crossing stop exempt sign has been placed by the California Department of Transportation. See also Section 21400, or by local authority see Section 22452.5. School buses and school pupil activity buses are not part of the exemption. Cal. [Veh.] Code § 22452 (West 1999).

## **COLORADO**

**Slow and Low Vehicles** - Colorado law considers low clearance as less than nine inches above the level surface of the roadway upon or across the tracks. Slow vehicles are described as those with a normal operating speed of ten miles per hour or less. Before moving slow and low vehicles across a highway-rail crossing, the law requires that reasonable notice be given to a superintendent of the railroad.

Colorado law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made fifteen to fifty feet from the nearest rail, the operator must look and listen for trains and train signals, and the operator may cross only when possible to proceed safely.

No such crossing is to be made when warning is given by an automatic signal, crossing gate or flagman of the immediate approach of a train. Colo. Rev. Stat. § 42-4-708 (1)-(2)-(3)-(4) (1999). Also see subparagraph (5) under exempt crossings.

**Special Vehicles** - Colorado law requires drivers of school buses and vehicles carrying passengers for hire which are carrying more than six passengers to stop within fifteen to fifty feet of the nearest rail at all non-exempt crossings.

Any vehicle carrying explosives or hazardous materials as cargo or part of a cargo or any vehicle designed to carry flammable liquids whether empty or loaded are to stop at crossings.

After requiring drivers of special vehicles to stop, Colorado requires that the driver listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. The driver may then proceed to cross if it is safe to do so.

**Exempt Crossings** - Under Colorado law, drivers of slow and low vehicles do not have to stop at crossings where state or local road authorities have determined that trains are not operating during certain periods or seasons of the year and have erected an official "EXEMPT" sign. Colo. Rev. Stat. § 42-4-708 (5) (1999).

Drivers of special vehicles are not required to stop at crossings marked with an "EXEMPT" sign or at any crossing where traffic is controlled by a police officer or a traffic control signal. Stopping requirements also do not apply at crossings protected by crossing gates or alternately flashing lights intended to give warning of an approaching train. Colo. Rev. Stat. § 42-4-708(5)-a to -d (1999).

## **CONNECTICUT**

**Slow and Low Vehicles** - Connecticut has no requirements regulating stops by slow and low vehicles.

**Special Vehicles** - Connecticut law specifically mentions taxicabs under this category. Operators of commercial motor vehicles carrying passengers, taxicabs, motor vehicles in livery service, motor buses, service buses or other motor vehicles carrying school children, vehicles carrying hazardous materials as cargo or part of a cargo and vehicles transporting inflammable or corrosive liquids in bulk, whether loaded or empty, are required to stop at highway-rail crossings.

Connecticut sets a different minimum stopping distance than most states. Connecticut requires that stops be made within ten to fifty feet of the nearest rail of the tracks. After stopping, the operator is required to listen and look in both directions for an approaching train.

No crossing is to be made at crossings where warning of an approaching train is given by an automatic signal, crossing gates, a flagman or other device. Conn. Gen. Stat. § 14-250 (1999).

### **Penalty**

A violation of any provision Section 4-250 will result in a fine of not less than one hundred fifty nor more than two hundred fifty dollars. Conn. Gen. Stat. § 14-250 (1999).

**Exempt Crossings** - Connecticut has no provision for exempt crossings.

## **DELAWARE**

**Slow and Low Vehicles** - The statute defines slow and low vehicles as those having a normal operating speed of ten miles per hour or less and with a vertical body or load clearance of less than nine inches. Del. Code Ann. tit. 21, § 4167 (1998).

Delaware law requires persons operating slow and low vehicles to stop before traversing highway-rail crossings. The stop must be made fifteen to fifty feet from the nearest rail. The operator must look and listen for trains and train signals and may cross only when it is possible to do so safely. Delaware requires that, if the railroad provides a flagman, movement of slow and low vehicles must be made under the direction of such flagman. Reasonable notice of any intended crossing must be given to a station agent of the railroad so as to allow the affected railroad to provide protection at the crossing.

Delaware prohibits such crossing when an automatic signal, gates, flagman or other warning indicates an approaching train.

**Special Vehicles** - Delaware requires drivers of a school bus carrying any children, a motor vehicle carrying passengers for hire or a vehicle transporting hazardous materials to stop at crossings. The required stop is to be within fifteen to fifty feet of the nearest rail of the crossing. When stopped, the driver of the special vehicle is to listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. Drivers may not proceed until it is safe to do so and may not manually shift gears while crossing the tracks. Del. Code Ann. tit. 21, § 4163 (1998).

**Exempt Crossings** - Drivers of school buses, vehicles transporting passengers for hire, and vehicles with hazardous materials are not required to stop at crossings that are controlled by a police officer or flagman. Stops are also not required at crossings which are regulated by a traffic control signal, crossings where crossing gates or alternately flashing lights have been installed for the purpose of warning of the approach of a train or crossings at which an official traffic control device gives notice that the stopping requirement does not apply. Del. Code Ann. tit. 21, § 4163 (1998).

## **DISTRICT OF COLUMBIA**

**Slow and Low Vehicles** - The District of Columbia does not have sections in its vehicle code requiring stops by drivers of slow and low vehicles.

**Special Vehicles** - The District of Columbia has no provisions concerning special vehicles.

**Exempt Crossings** - Exempt crossings are not mentioned in the District of Columbia vehicle code.

## **FLORIDA**

**Slow and Low Vehicles** - As is the case in other states, the Florida statutes define slow and low vehicles as any equipment or structure having a normal operating speed of ten miles per hour or less, with a vertical body or load clearance of less than nine inches measured above the level surface of the roadway upon or across the tracks. Fla. Stat. Ann. § 316-170 (West 1998).

Florida law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made fifteen to fifty feet from the nearest rail and the operator must listen and look in both directions for trains and train signals and may cross only when it is safe to do so.

Before moving slow and low vehicles across a highway-rail crossing, Florida law requires that reasonable notice be given to a station agent or other proper authority of the railroad.

No crossing is to be made when warning is being given by automatic signal, crossing gate, flagman or other device of the immediate approach of a railroad train or car. If a flagman is present, movement over the crossing is to be under his direction. Fla. Stat. Ann. § 316-170 (West 1998).

**Special Vehicles** - Florida law requires drivers of school buses carrying any children, vehicles carrying passengers for hire and vehicles carrying explosive substances or flammable liquids as cargo to stop at crossings.

Drivers of special vehicles must stop within fifteen to fifty feet of the nearest rail of the crossing. After making the required stop, the driver must listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. Drivers may not proceed until it is safe to do so and may not manually shift gears while crossing the tracks. Fla. Stat. Ann. § 316-159 (West 1998).

**Exempt Crossings** - Drivers of special vehicles are exempt from the stop requirement at crossings where a police officer, a traffic control signal or a sign directs traffic to proceed. School buses must stop unless directed to proceed by a police officer. Fla. Stat. Ann. § 316-159 (West 1998).

## **GEORGIA**

**Slow and Low Vehicles** - Georgia law defines slow and low vehicles as any equipment or structure having a normal operating speed of ten miles per hour or less or a vertical body or load clearance of less than nine inches measured above the level surface of a roadway upon or across any tracks. Ga. Code Ann. § 40-6-143 (1998).

Georgia law requires drivers of slow and low vehicles to stop not less than fifteen or more than fifty feet from the nearest rail of the tracks and while stopped, must listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. The driver may not proceed until the crossing can be accomplished safely. Reasonable notice of any such intended crossing must be given to a station agent of the railroad so as to give the railroad time to provide proper protection at the crossing.

No such crossing may be made where warning is given by an automatic signal, crossing gate, flagman or other device of the immediate approach of a railroad train or car. If a flagman is present, movement over the crossing must be made under the flagman's direction.

**Special Vehicles** - Georgia law requires drivers of school buses whether carrying passengers or empty, vehicles carrying passengers for hire and vehicles transporting explosive substances, flammable liquids, hazardous waste or constituents, or hazardous acidic liquids as cargo or part of a cargo to stop at crossings. Drivers of school buses and vehicles with hazardous materials must stop within fifteen to fifty feet of the nearest rail. When stopped, the drivers of such vehicles are required to listen and look in both directions along each track for any approaching train and for signals indicating the approach of a train. Drivers may not proceed until they can do so safely. The driver may not manually shift gears while crossing the tracks. Ga. Code Ann. § 40-4-142 (1998). Also see Georgia's entry in Chapter 9 (Driver Action).

**Exempt Crossings** - Drivers of special vehicles are not required to stop at a crossing where a police officer or a traffic control signal directs traffic to proceed. Ga. Code Ann. § 40-4-142 (1998).



## **HAWAII**

**Slow and Low Vehicles** - Hawaii has no requirements concerning stops by slow and low vehicles.

**Special Vehicles** - Hawaii requires drivers of school buses carrying children, vehicles carrying passengers for hire or any vehicle carrying explosive substances or flammable liquids as cargo or part of a cargo to stop at crossings. The stops are to be made within fifteen to fifty feet of the nearest rail. The driver, while stopped, shall listen and look along the track in both directions for any approaching train and for signals indicating the approach of a train. The driver shall proceed only when it is considered safe to do so. The driver must not manually shift gears while traversing the track. Haw. Rev. Stat. § 291C-93(a) (1998).

**Exempt Crossings** - Drivers of special vehicles need not stop at crossings where a police officer or traffic control signal directs traffic to proceed. The stopping requirements also do not apply at highway-rail grade crossings within a business or residential district. Haw. Rev. Stat. § 291C-93(b)-(C) (1998).

## **IDAHO**

**Slow and Low Vehicles** - Idaho's Code defines slow and low vehicles as any equipment or structure having a normal operating speed of ten miles per hour or a vertical or load clearance of less than nine inches measured above the level surface of a highway, upon or across the tracks.

Before moving slow and low vehicles across a highway-rail crossing in Idaho, reasonable notice must be given to a station agent of the railroad.

Idaho law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. After stopping, the operator must listen and look for trains and train signals, and cross only when it is possible to proceed safely.

Idaho law expressly prohibits crossing when an automatic signal, gate, flagman or other warning indicates the approach of a train. If a flagman is provided by the railroad, movement over the crossing must be made under the flagman's direction. Idaho Code § 49-650 (1999).

**Special Vehicles** - Although Idaho does not mention any specific vehicles under the special category, it requires that drivers of any vehicle stopped at a highway-rail crossing listen and look in both directions for an approaching train and for signals indicating the approach of a train. Drivers shall not proceed until it can be done safely and may not manually shift gears while moving through the crossing. Idaho Code § 49-649 (1999).

**Exempt Crossings** - Drivers of special vehicles are not required to stop at crossings where traffic is controlled by a police officer or flagman, by a traffic control signal, or by crossing gates or an alternately flashing light signal intended to warn of the approach of a train, or at any grade crossing at which a traffic control device gives notice that the stopping requirements do not apply. Idaho Code § 49-649(a) to (d) (1999).

## **ILLINOIS**

**Slow and Low Vehicles** - Illinois law refers to "power" and not "steam" shovels. As to vehicles with low clearances, Illinois applies the nine inch height to axles that are eighteen feet or less apart. If the axles are more than eighteen feet apart, the one half inch per foot measure is used.

Before moving slow and low vehicles across a highway-rail crossing, Illinois law requires that reasonable notice be given to a superintendent of the railroad.

Illinois law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. After stopping, the operator must look and listen for trains and train signals, and cross only when it is safe to proceed.

No such crossing may be made at a crossing where warning of the approach of a train is given by an automatic signal, crossing gate, flagman or other device. 625 ILCS 5/11-1203 (1999).

**Special Vehicles** - Illinois requires drivers of school buses carrying any children, vehicles carrying passengers for hire and vehicles transporting hazardous materials to stop at highway-rail crossings.

Illinois law requires these special vehicles to stop within fifteen to fifty feet of the nearest rail of the tracks. After making the required stop, drivers of special vehicles are instructed to listen and look in both directions for an approaching train and may not move over the crossing until it can be done safely.

After determining that it is safe to traverse a crossing, drivers of vehicles with passengers for hire or those carrying hazardous materials may proceed but may not manually shift gears while crossing the tracks.

**Exempt Crossings** - An exception is provided for drivers of vehicles with passengers or hazardous material cargos at crossings where a traffic control signal, police officer or flagman regulates traffic. And at any railroad crossings controlled by a functioning traffic-control signal transmitting a green indication.

Illinois law exempts drivers of special vehicles from the stopping requirements at crossings where crossing gates or alternately flashing lights have been installed. However, this exemption does not apply to drivers of school buses.

Stopping requirements are also not applicable at any streetcar grade crossing within a business or residential district and at any abandoned industrial or spur track designated as exempt by the Illinois Commerce Commission. 625 ILCS 5/11-1202(b) -1 to -4 (1999).

## **INDIANA**

**Slow and Low Vehicles** - When defining slow and low vehicles, the Indiana code omits "crawler-type" and instead mentions "caterpillar" tractors. Indiana law describes slow and low vehicles as vehicles or structures weighing more than ten tons and having a normal operating speed of not more than six miles per hour.

Before moving slow and low vehicles across a highway-rail crossing, Indiana law requires that reasonable notice be given to a superintendent of the railroad.

Indiana law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made not less than ten or more than fifty feet from the nearest rail, and while stopped, the operator must listen, look and then cross only when it is possible to do so safely.

Indiana expressly prohibits crossings by slow and low vehicles when an automatic signal, gate, flagman or other device indicates an approaching train. Ind. Code Ann. § 9-21-8-40 (Burns 1998).

**Special Vehicles** - Indiana has two separate code sections regulating stopping and traversing crossings by special vehicles. Indiana law requires drivers of school buses carrying any children to stop at crossings. The stop shall be made within fifty but not less than ten feet of the nearest rail. While the bus is stopped, the driver must open the door and listen and look in both directions for a train or signals indicating the approach of a train. After all requirements are complied with, the driver may then proceed when it is safe to do so but may not manually shift gears while crossing.

### **Penalty**

If an operator of a school bus is convicted of a violation of this section, the operator may have his driver's license suspended for a period of not less than sixty days in addition to penalties provided by Section 20-9.1-5-22. Ind. Code Ann. § 20-9.1-5-11(a)-(b) (Burns 1998).

A driver of a motor vehicle carrying passengers for hire or a vehicle carrying explosive substances or flammable liquids as cargo or part of a cargo must stop not more than fifty and not less than fifteen feet from the nearest rail of the crossing.

While stopped, the driver shall listen through an open door or window and look along the track in both directions for an approaching train and for signals indicating the approach of a train. The driver may then proceed only when it is safe to do so but may not manually shift gears while traversing the crossing.

If a police officer or a traffic control signal is directing traffic at a crossing, the driver of a special vehicle may proceed in accordance with the instructions provided by the police officer or the traffic control signal. Ind. Code Ann. § 9-21-12-5(a)-(b)-(c)-(d) (Burns 1998).

### **Penalty**

A conviction for a violation of this section will result in a fine and a suspension of driving privileges for a period of not less than sixty days. Ind. Code Ann. § 9-21-12-8 (Burns 1998).

**Exempt Crossings** - Indiana exempts drivers of special vehicles only (not slow and low vehicles) from stopping at highway-rail grade crossings within a business or residential district, at an abandoned or unused crossing and at crossings where traffic is controlled by a police officer or a traffic control signal. Ind. Code Ann. § 9-21-12-5(a)-(d) (Burns 1998).

## **IOWA**

**Slow and Low Vehicles** - Iowa refers to "caterpillar" rather than "crawler-type" tractors. It describes slow vehicles as those with an operating speed of six miles per hour or less and low vehicles as those with a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks.

Before moving slow and low vehicles across a highway-rail crossing in Iowa, state law requires that reasonable notice be given to a superintendent of the affected railroad.

Iowa law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within ten to fifty feet of the crossing. After stopping, the operator must listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train, and may cross only when it is safe to do so.

Iowa expressly prohibits any crossing when an automatic signal, gate, flagman or other warning indicates an approaching train. Iowa Code § 321.344 (1998).

**Special Vehicles** - Iowa requires drivers of school buses, vehicles carrying passengers for hire and vehicles carrying hazardous materials to stop at highway-rail crossings. Iowa requires stops to be within fifty but not less than fifteen feet of the nearest rail of the crossing. After stopping, a driver must listen and look in both directions for an approaching train and for signals indicating the approach of a train, and may proceed only when it is safe to do so. Iowa Code § 321.343 (1998). See also Section 321.449 (Motor Carrier Safety Rules).

**Exempt Crossings** - Drivers of special vehicles are exempt from stopping requirements at a crossing where a police officer or a traffic control device directs traffic to proceed. Also, no stop need be made at a crossing with an "EXEMPT" sign. The statute indicates that the "EXEMPT" sign shall be posted only where the tracks have been partially removed on either side of the roadway. Iowa Code § 321.343 (1998).

## **KANSAS**

**Slow and Low Vehicles** - Kansas law describes slow and low vehicles as those having a normal operating speed of ten miles per hour or less or load clearance of less than nine inches measured above the level surface of a roadway, upon or across the tracks.

Before moving slow and low vehicles across a highway-rail crossing, Kansas law requires that reasonable notice be given to a station agent of the affected railroad.

Kansas law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. The operator must then listen and look for trains and train signals, and shall cross only when it is safe to proceed.

A crossing may not be made when warning of the approach of a train is given by an automatic signal, crossing gates, a flagman or other device. If a flagman is provided by the railroad, movement over the crossing is to be made under the flagman's direction. Kan. Stat. Ann. § 8-1554 (1999).

**Special Vehicles** - Kansas law requires that the Kansas Secretary of Transportation, in conjunction with the corporation commission, adopt rules and regulations as are necessary describing the types of

vehicles which must comply with the stopping requirements. The statute does not mention specific vehicles that might fall under this category.

Kansas law requires drivers of school buses and vehicles with hazardous materials to stop within fifteen but not more than fifty feet of the nearest rail.

After complying with the stopping requirements, drivers of special vehicles must listen and look in both directions for any approaching train and for signals indicating the approach of a train. No crossing shall be made until it is determined that it is safe to do so. The driver must then cross in an appropriate gear and must not manually shift gears while crossing the tracks. Kan. Stat. Ann. § 8-1553 (1999).

**Exempt Crossings** - Under Kansas law, the drivers of special vehicles are not required to stop at crossings where traffic is controlled by a police officer or human flagman, any crossing at which traffic is controlled by a highway traffic signal transmitting a green indication, any abandoned crossing which is marked with a sign indicating such, any industrial or spur line crossing marked with a state or local authority approved "EXEMPT" sign and crossings used exclusively for industrial switching purposes within a business district. Kan. Stat. Ann. § 8-1553 (1999). For definition of business district, see Section 8-1407 and amendments.

## **KENTUCKY**

**Slow and Low Vehicles** - Kentucky does not have a specific statute concerning stops by slow and low vehicles at highway-rail crossings.

**Special Vehicles** - Kentucky statutes contain a separate section concerning stopping requirements for drivers or chauffeurs of any motor vehicle transporting passengers for hire.

Stops by drivers or chauffeurs of any such vehicle shall stop not less than ten or more than thirty feet from the nearest rail of the track. After the stop is made, the driver or chauffeur must look carefully in each direction for an approaching car or train, and shall not cross until it is ascertained that no car or train is approaching. Ky. Rev. Stat. Ann. § 281.745 (Baldwin 1998). For penalty if convicted of violating this section, see Section 281.990 [1] [3].

Kentucky law requires drivers of buses and motor vehicles used for transporting children to come to a stop within ten and not more than thirty feet of the nearest track over the highway. After the stop is made, the law requires that operators open the service door and carefully look in both directions for approaching trains or maintenance vehicles. Ky. Rev. Stat. Ann. § 189.550 (Baldwin 1998).

**Exempt Crossings** - Kentucky exempts drivers of buses and motor vehicles used for transporting children and vehicles transporting passengers for hire from the stopping requirements at crossings which are protected by gates or a flagman employed by the railroad. Ky. Rev. Stat. Ann. § 189.550 (Baldwin 1998).

## **LOUISIANA**

**Slow and Low Vehicles** - Louisiana defines slow and low vehicles as those that have an operating speed of ten miles an hour or less and a clearance of less than nine inches measured above the level surface of a roadway, upon or across any tracks.

Louisiana law requires that, before moving slow and low vehicles across a highway-rail crossing, reasonable notice be given to a station agent of the affected railroad.

Louisiana law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. During the stop, the operator must listen and look in both directions, proceeding only when it is safe to do so.

These procedures have no applicability at a crossing where warning of the approach of a railroad train or car is given by automatic signals, crossing gates, a flagman or other device. If a flagman is provided by the railroad, any crossing attempted shall be under the flagman's direction. La. Rev. Stat. Ann. § 32:174 (West 1998).

**Special Vehicles** - Louisiana requires drivers of school buses carrying children or not, vehicles carrying passengers for hire and vehicles carrying explosive substances or flammable liquids as cargo or part of a cargo to stop at highway-rail crossings. Stops are to be made within fifteen to fifty feet of the nearest rail and while stopped, the driver is required to listen and look in both directions for any approaching train or for signals indicating the approach of a train. The driver of any school bus must open the door of the bus and leave it open while ascertaining that no train is approaching. La. Rev. Stat. Ann. § 32:173 (West 1998).

**Exempt Crossings** - The drivers of school buses and vehicles carrying hazardous materials are not required to comply with the stopping provisions at any crossing where a police officer or traffic control signal directs traffic to proceed. La. Rev. Stat. Ann. § 32:173 (West 1998).

## **MAINE**

**Slow and Low Vehicles** - Maine has no provisions concerning slow and low vehicles.

**Special Vehicles** - Maine law requires drivers of school buses to stop at crossings. The stop shall be made at a point within fifteen to fifty feet of the nearest rail. While stopped, the driver must ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching. The driver is permitted to cross only when it is safe to do so. Me. Rev. Stat. Ann. tit. 29-A, § 2306 (West 1998).

### **Penalty**

Maine law provides two separate penalties for violations of the stopping requirement by drivers of special vehicles. A violation of this section by a school bus driver is a Class E crime, and upon conviction of failure to stop or to yield the right-of-way to a train, the driver's license to operate the school bus must be revoked by the Maine Secretary of State for a period of not less than two years. Me. Rev. Stat. Ann. tit. 29-A, § 2306 (West 1998).

Maine has a second statute which covers stops by a variety of special vehicles. It includes a bus transporting passengers and a motor vehicle transporting any quantity of chlorine. Me. Rev. Stat. Ann. tit. 29-A, § 2076 (West 1998).

Maine requires drivers of hazardous vehicles to stop at crossings. The pertinent section of the statute requires those vehicles that must be marked or placarded in accordance with 49 Code of Federal Regulations, Part 172, Subpart F to stop at crossings. The statute further requires cargo tank vehicles used to transport a hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189 or a commodity under special permit in accordance with provisions prescribed by the Code of Federal Regulations to stop whether loaded or not.

Another category of vehicle covered under the same section of the statute is described as a cargo tank vehicle transporting a commodity that, at the time of loading, has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115. Me. Rev. Stat. Ann. tit. 29-A § 2076 (West 1998). See also 49 C.F.R. § 172(f), 49 C.F.R. § 170-189, and 49 C.F.R. § 173.115 (1997).

### **Penalty**

Any driver of a vehicle covered under this section who fails to comply with the stopping requirements commits a Class D crime. Me. Rev. Stat. Ann. tit. 29-A § 2076(5) (West 1997).

**Exempt Crossings** - Drivers of vehicles under the special category with the exception of school buses, are exempt from the stopping requirements within a business district at streetcar crossings or railroad crossings used exclusively for industrial switching purposes when a law enforcement officer or crossing flagman directs traffic to proceed, at a clearly marked abandoned crossing and at an industrial or spur line railroad grade crossing marked with an "EXEMPT" sign. Me. Rev. Stat. Ann. tit. 29-A § 2076(4) (West 1998).

## **MARYLAND**

**Slow and Low Vehicles** - Maryland's definition of slow and low vehicles is the same as most states with the exception that Maryland refers to "power" not "steam" shovels.

Prior to moving slow and low vehicles across a highway-rail crossing in Maryland, reasonable notice must be given to an agent of the affected railroad, thereby allowing the railroad time to provide proper protection.

Maryland law requires persons operating slow and low vehicles to stop within fifteen to fifty feet of the nearest rail before moving across a highway-rail crossing. While stopped, the operator is required to listen and look in both directions for an approaching or passing train and for signals indicating the approach or passage of train. In any event, no crossing is to be made unless it is determined that it can be done safely.

Maryland law prohibits crossing if a warning of the immediate approach of a train is given by an automatic signal, crossing gate, flagman or other device. Md. Ann. Code art. 21, § 704 (1998).

**Special Vehicles** - Maryland law requires drivers of motor vehicles carrying passengers for hire, school vehicles carrying any passenger, buses owned or operated by a church and carrying any passenger, vehicles carrying flammable liquid or an explosive and vehicles carrying hazardous materials of a type and quantity requiring placarding under federal hazardous materials regulations, to stop at highway-rail crossings. Stops must be made within fifteen to fifty feet of the nearest rail of the tracks. Drivers must listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train. The driver may proceed only when it is safe to do so and may not manually shift gears while crossing. Md. Ann. Code art. 21, § 703(b)-(c)-(d) (1998). Also see the Maryland section under Chapter 8 of this book.

**Exempt Crossings** - In Maryland, the stopping requirements for drivers of special vehicles do not apply at any highway-rail crossing in a business or residential district. Md. Ann. Code art. 21, § 703(g) (1998).

## **MASSACHUSETTS**

**Slow and Low Vehicles** - Massachusetts has no regulations concerning slow and low vehicles.

**Special Vehicles** - The law in Massachusetts requiring stops at highway-rail crossings does not specifically mention transit buses or vehicles transporting passengers for hire. Massachusetts law does require drivers of school buses and vehicles carrying explosive substances or flammable liquids as cargo or part of a cargo to stop within fifteen to fifty feet of the nearest rail. The statute also requires drivers of school buses to open the door while stopped. Mass. Ann. Laws ch. 90, § 15 (1999).

### **Penalty**

A violation of any provision of Section 15 is punishable by a fine of not less than one hundred or more than two hundred dollars. Mass. Ann. Laws ch. 90, § 15 (1999).

**Exempt Crossings** - Massachusetts has no provisions concerning exempt crossings.

## **MICHIGAN**

**Slow and Low Vehicles** - Michigan law refers to "caterpillar" not "crawler-type" tractors. Additionally, Michigan law adds as part of the slow and low category, boilers, machinery and objects upon rollers. Michigan law applies to equipment or structures having a normal operating speed of four miles per hour or less. Mich. Comp. Laws Ann. § 257.670 (1999). Or see also Mich. Stat. Ann. § 9.2370(1) (Law. Co-op. 1998).

In Michigan, the nearest agent or officer of the railroad must be notified and a reasonable period of time allowed for protection of the railroad's locomotives, cars and trains.

Persons operating slow or low vehicles must stop before moving over a highway-rail crossing. The stop must be made not less than ten but no more than fifty feet from the nearest rail and the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train. After stopping, listening and looking, the operator may proceed only if it is safe to do so. Mich. Comp. Laws Ann. § 257.670 (1999). Or see also Mich. Stat. Ann. § 9.2370(2)-(3) (Law. Co-op. 1998).

Michigan law prohibits crossing when warning of the immediate approach of a railroad train or car is given by an automatic signal, crossing gate, flagman or other device. Mich. Comp. Laws Ann. § 257.670 (1999). Or see also Mich. Stat. Ann. § 9.2370(4) (Law. Co-op. 1998).

**Special Vehicles** - In Michigan, vehicles which must stop at highway-rail crossings include motor vehicles carrying passengers for hire, school buses and vehicles carrying explosive substances, flammable liquids or other hazardous materials on which a placard is required by Federal law.

Michigan statutes prescribe stopping requirements for school buses under a different section than for motor vehicles carrying passengers for hire and vehicles carrying hazardous materials. Drivers of school buses must stop within fifty but not less than ten feet of the nearest rail of the crossing. After coming to a



stop, the driver of the school bus must "activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely". The driver is prohibited from manually shifting gears while crossing. Mich. Stat. Ann. § 9.3557(1) (Law. Co-op. 1998).

Drivers of motor vehicles carrying passengers for hire and vehicles carrying hazardous materials are required to stop within ten to fifty feet of the nearest rail and while stopped, must listen and look in both directions for an approaching train and for signals indicating the approach of a train. The driver may not proceed until it is possible to do so safely and may not manually shift gears while crossing. Mich. Comp. Laws Ann. § 257.669 (1999). Or see also Mich. Stat. Ann. § 9.2369(1) (Law. Co-op. 1998).

**Exempt Crossings** - The exemptions under Michigan law are the same for school bus drivers, drivers of vehicles carrying passengers for hire and for vehicles carrying hazardous materials. Michigan expressly exempts drivers of special vehicles from the stopping requirements at crossings where a police officer or a traffic control signal directs traffic to proceed. Exemptions also apply at crossings that are abandoned as determined by the State of Michigan. No stop is required at a grade crossing on a freeway or limited access highway where the crossing is protected by a signal, crossing gate or barrier at a time when the signal, crossing gate or barrier is not activated. Mich. Stat. Ann. § 9.3557(4) (Law. Co-op. 1998).

## MINNESOTA

**Slow and Low Vehicles** - Minnesota's description of slow and low vehicles refers to "caterpillar" rather than "crawler-type" tractors. It also defines the operational speed at six miles per hour or less. The clearance requirements are nine inches or less above the level surface of the roadway.

Minnesota law requires persons operating slow and low vehicles to stop before moving over a highway-rail crossing. The stop must be made not less than ten or more than fifty feet from the nearest rail and the operator must listen and look for approaching trains and for signals indicating the approach of a train. The operator may only proceed when it is safe to do so.

No crossing is to be made where warning of the immediate approach of a train is given by automatic signals, crossing gates, a flagman or other device. Minn Stat. § 169.29 (1998).

**Exempt Crossings** - The operator of a slow and low vehicle as defined in Minnesota must stop at a crossing which has been abandoned and is displaying an "EXEMPT" sign, unless directed otherwise by a flagman. Minn. Stat. § 169.29 (1998).

**Special Vehicles** - Minnesota law adds "any Head Start Bus" to the category of special vehicles. A "Head Start Bus" is defined in the statute as one which must bear on its front and rear a plainly visible sign containing the words "Head Start Bus" in letters at least eight inches in height. Minn. Stat. § 169.28 (1998).

Minnesota law requires drivers of motor vehicles carrying passengers for hire, school buses, including Head Start Buses, whether carrying passengers or not and any vehicle carrying explosive substances, flammable liquids or liquid gas under pressure as cargo or part of a cargo to stop at highway-rail crossings. The stop is to be made not less than ten feet from the nearest rail. The driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train and may then proceed only when it is safe to do so. Minn. Stat. § 169.28 (1998).

**Exempt Crossings** - Minnesota law has a provision that allows the local school administrative officer to designate a crossing at which a school bus driver may be flagged across. Otherwise, a school bus will not be flagged across a railroad crossing. Minn. Stat. § 169.28(1) (1998).

## **MISSISSIPPI**

**Slow and Low Vehicles** - Mississippi defines slow and low vehicles as those with an operating speed of six miles per hour or less. Also, the statutes make reference to "caterpillar" and not "crawler-type" tractors.

Mississippi law requires that drivers of slow and low vehicles stop before moving over a highway-rail crossing. The stop must be made ten to fifty feet from the nearest rail and the operator must listen and look for approaching trains and signals indicating an approaching train. Movement across the crossing can be made after it is determined safe to do so by the operator.

Prior to moving slow and low vehicles over a highway-rail crossing, Mississippi law requires that reasonable notification be given to a superintendent of the affected railroad.

Moving over a crossing is prohibited at crossings where warning of an approaching train is given by automatic signals, crossing gates, a flagman or other device. Miss. Code Ann. § 63-3-1013 (1998).

**Special Vehicles** - Mississippi requires drivers of vehicles carrying passengers for hire and hazardous materials as cargo or part of a cargo and school buses carrying any children to stop at crossings.

The stop must be made within fifty but not less than ten feet of the nearest rail of the crossing. While stopped, the driver is required to listen and look in both directions for an approaching train and for signals indicating an approaching train. After complying with the requirements, the driver may proceed when it is determined that it is safe to do so. Miss. Code Ann. § 63-3-1011(1) (1998).

**Exempt Crossings** - Mississippi exempts drivers of special vehicles from stopping requirements at crossings where a police officer or traffic control signal directs traffic to proceed and at crossings within a business or residential district. Miss. Code Ann. § 63-3-1011(2)-(3) (1998).

## **MISSOURI**

**Slow and Low Vehicles** - Missouri has no regulation regarding stops by slow and low vehicles.

**Special Vehicles** - The law in Missouri requires drivers of motor vehicles carrying passengers for hire, school buses, motor vehicles transporting high explosives or poisonous or compressed inflammable gases and motor vehicles used for the transportation of inflammable or corrosive liquids in bulk whether loaded or empty to stop at crossings.

The stop must be made within fifteen to fifty feet of the nearest rail. After the required stop is made, a driver shall not proceed until due caution has been taken to ascertain that it is safe to do so. Mo. Rev. Stat. § 304.030 (1998).

**Exempt Crossings** - Drivers of special vehicles are exempt from the stopping requirements at streetcar crossings within a business or residential district and at railroad grade crossings protected by a watchman, an on-duty traffic officer or a traffic control signal (not railroad flashing signal) that is giving positive indication to approaching vehicles to proceed. Stops also need not be made at any crossing at which

the Missouri Division of Transportation has ordered the placement of an "EXEMPT" sign. Mo. Rev. Stat. § 304.030 (1998).

## **MONTANA**

**Slow and Low Vehicles** - Montana law defines slow and low vehicles as those having an operating speed of ten miles per hour or less and a clearance of less than nine inches measured above the level surface of a roadway.

Montana law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail, the operator must listen and look in both directions for approaching trains and train signals, and, when it is safe to do so, the operator may proceed over the crossing.

Before moving slow and low vehicles across a highway-rail crossing, Montana law requires that reasonable notice be given to a station agent of the affected railroad.

No stop is to be made at a crossing where warning of the approach of a train is given by an automatic signal, crossings gates, a flagman or other device. If the railroad provides a flagman, movement over the crossing should be made under the flagman's direction. Mont. Code Ann. § 61-8-350 (1998).

**Special Vehicles** - Montana statutes concerning this category of vehicles define a vehicle carrying passengers for hire as one which contains seven or more passengers. A driver of a vehicle carrying passengers for hire, a school bus with or without passengers or a vehicle carrying explosive substances or flammable liquids as cargo or part of a cargo must stop within fifteen to fifty feet of the nearest rail of the crossing. While stopped, the driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train and may not proceed until it can be accomplished safely. The driver may not manually shift gears while crossing the tracks. In the case of a school bus, the driver must open the door when listening and looking for trains and train signals.

**Exempt Crossings** - Montana does not require stops at highway-rail crossings in business or residential districts. A stop is not required at any crossing where a police officer, highway patrol officer or traffic control signal directs traffic to proceed. A traffic control signal, as defined in the statute, does not include a railroad grade crossing signal. Mont. Code Ann. § 61-8-349 (1998).

## **NEBRASKA**

**Slow and Low Vehicles** - Nebraska law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator shall not traverse the crossing until it is safe to do so. Neb. Rev. Stat. § 60-6,174(2) (1999).

No such crossing is to be made at any crossing where warning of an immediate approach of a train is given by an automatic signal, crossing gates, a flagman or other device. If a flagman is provided by the railroad, movement over the crossing shall be under the flagman's direction. Neb. Rev. Stat. § 60-6,174(3) (1999).

**Special Vehicles** - In the vehicle code of Nebraska, drivers of any bus carrying passengers for hire or any school bus must stop at highway-rail crossings. The stop must be made within fifty but not less than fifteen feet of the nearest rail. While stopped, the driver must listen and look along the track in both directions for an approaching train and for signals indicating the approach of a train. Having accomplished all of this, the driver may then proceed when it is safe to do so. While proceeding across the tracks, the driver is prohibited from manually shifting gears. Neb. Rev. Stat. § 60-6,172(1) (1999).

The Nebraska law concerning vehicles transporting hazardous materials requires drivers to stop not less than fifteen or more than fifty feet from the crossing. Drivers of buses and vehicles with hazardous materials must listen and look in both directions and may cross only when it is safe to do so. The law prohibiting drivers from shifting gears does not apply to drivers of vehicles carrying hazardous materials. Neb. Rev. Stat. § 60-6,173 (1999).

**Exempt Crossings** - Drivers of any bus carrying passengers for hire or of any school bus do not need to stop at any crossing where a police officer or flagman directs traffic to proceed, or at an abandoned or exempt crossing which is clearly marked as such with the consent of competent authority when such markings can be read from the driver's position. Neb. Rev. Stat. § 60-6,172(2) (1999).

Drivers of vehicles carrying hazardous materials need not stop at abandoned or exempt crossings. Neb. Rev. Stat. § 60-6,173 (1999).

## **NEVADA**

**Slow and Low Vehicles** - Nevada's definition of slow and low vehicles is consistent with most states, except that Nevada refers to "power" not "steam" shovels.

Nevada law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifty but not less than fifteen feet of the nearest rail of the crossing. Upon stopping, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train, and must not proceed until it is safe to do so. Nev. Rev. Stat. Ann. § 484.355(2) (Michie 1998).

Nevada law expressly prohibits crossing when an automatic signal, crossing gates, a flagman or other device indicates an approaching train. If a flagman is provided by the railroad, movement over the crossing must be made under the flagman's direction. Nev. Rev. Stat. Ann. § 484.355(3) (Michie 1998).

**Special Vehicles** - Nevada law requires drivers of any motor vehicles carrying passengers for hire, school buses carrying any children or vehicles carrying any explosive or flammable liquid as cargo or part of a cargo to stop at highway-rail crossings. The stop must be made within fifteen to fifty feet of the nearest rail of the crossing. After stopping, the operator is required to listen and look in both directions for any approaching train and for signals indicating the approach of a train. The operator may not cross until it is safe to do so. Manual shifting of gears while traversing the crossing is prohibited. Nev. Rev. Stat. Ann. § 484.353(1)-(2) (Michie 1998).

**Exempt Crossings** - Nevada does not require drivers of special vehicles to stop at crossings where a police officer or traffic control device is controlling the movement of traffic, a crossing marked with a device indicating that it is abandoned, a streetcar crossing or one used for industrial switching purposes in a designated business district, and a crossing marked with a sign identifying it as an exempt crossing. Nev. Rev. Stat. Ann. § 484.353(4)a-b-c-d (Michie 1998).

Nevada law forbids the erection of an "EXEMPT" sign unless:

- 1) The tracks are an industrial or spur line.
- 2) It is by or with the consent of the appropriate public authority with jurisdiction.
- 3) It is after the state or local authority has held a public hearing to determine whether the crossing should be designated an "exempt" crossing. Nev. Rev. Stat. Ann. § 484.353(d)(1)-(2)-(3) (Michie 1998).

## **NEW HAMPSHIRE**

**Slow and Low Vehicles** - Before moving slow and low vehicles across a highway-rail crossing, New Hampshire law requires that a stop be made within fifteen to fifty feet of the nearest rail of the crossing. Before proceeding through the crossing, the operator must listen and look in both directions for trains and for signals indicating an approaching train. The operator may traverse the crossing only when it can be done safely. N.H. Rev. Stat. Ann. § 265:51(I)-(III) (1998).

Advance notice of any intended crossing must be given to a station agent of the affected railroad and a reasonable time allowed the railroad to provide proper protection at the crossing. N.H. Rev. Stat. Ann. § 265:51(II) (1998).

New Hampshire law expressly prohibits crossing when an automatic signal, crossing gate, flagman or other device indicates the approach of a train. N.H. Rev. Stat. Ann. § 265:51(IV) (1998).

**Special Vehicles** - Drivers of school buses carrying children, vehicles carrying passengers for hire and vehicles carrying hazardous materials are required to stop at crossings. New Hampshire divides hazardous vehicles into three separate categories within the same code section:

- 1) Vehicles carrying explosive substances.
  - 2) Vehicles transporting flammable liquids in cargo tanks, whether loaded or empty.
  - 3) Vehicles used to transport cylinders of liquified petroleum gas.
- N.H. Rev. Stat. Ann. § 265:50(I)-(III) (1998).

New Hampshire law requires that stops by all special vehicles be made within fifteen to fifty feet of the nearest rail of the crossing.

New Hampshire specifies that drivers of school buses, vehicles carrying passengers for hire and vehicles carrying explosives must listen and look in both directions for any approaching train and for signals indicating the approach of a train.

The New Hampshire law applicable to school buses or vehicles with explosives allows drivers to traverse the crossing only when it is safe to do so, and are prohibited from manually shifting gears while moving over the crossing. Drivers of vehicles with flammable liquids or cylinders of liquified petroleum gas must use due caution and ascertain that the course is clear before crossing and are exempt from the prohibition on shifting gears. N.H. Rev. Stat. Ann. § 265:50(I)-(II)-(III) (1998).

**Exempt Crossings** - New Hampshire law exempts vehicles carrying passengers for hire, school buses carrying children and vehicles carrying explosive materials from the stopping requirements at crossings where a police officer or traffic control signal directs traffic to proceed. The New Hampshire Commissioner of Transportation may also designate an exemption for these same vehicles. N.H. Rev. Stat. Ann. § 265:50(II) (1998).

Vehicles transporting flammable liquids in cargo tanks, whether loaded or empty, and vehicles transporting cylinders of liquified petroleum gas are not required to come to a full stop at crossings where a police officer or traffic control signal (not a railroad flashing signal) directs traffic to proceed or at abandoned or exempt crossings that are clearly marked. N.H. Rev. Stat. Ann. § 265:50(II)-(III) (1998).

### **Penalty**

If a person is convicted of an offense under any provision of Sections 265:50 or 265:51, such person shall be guilty of a violation for the first offense, and, for any subsequent offense committed during any calendar year, such person shall be guilty of a misdemeanor. The Director may revoke such person's drivers license and no new license shall be issued to such person for at least 90 days after the date of such revocation. N.H. Rev. Stat. Ann. § 265:52 (1998).

## **NEW JERSEY**

**Slow and Low Vehicles** - New Jersey expands the definitions in this category to include a wheel tractor, tractor engine with or without trailer(s) attached, a self-propelled concrete mixer or any self-propelled vehicle, all having a normal operating speed of ten miles per hour or less and a clearance of nine inches or less measured above the level surface of the roadway.

Before moving a slow or low vehicle over a highway-rail crossing, New Jersey law requires that notice be given to the nearest superintendent or trainmaster of the affected railroad. The notice must specify the approximate time of the crossing and a reasonable period of time must be allowed to provide protection at the crossing.

New Jersey law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop is required to be made between fifteen and fifty feet from the nearest rail. The operator is then required to listen and look in both directions for trains and for signals indicating the approach of a train, and may not proceed unless it is safe to do so.

New Jersey expressly prohibits traversing any crossing when warning of the approach of a train is given by automatic signal, crossing gates, a flagman or other device. If a flagman is used by the railroad, moving over the crossing will be under the flagman's direction. N.J. Rev. Stat. § 39:4-128(b) (1998).

**Special Vehicles** - New Jersey includes an "omnibus" under this category and defines it as one that is designed for carrying more than six passengers.

New Jersey law requires drivers of any omnibus, a school bus carrying any children or of any vehicle carrying explosive substance or flammable liquids as cargo or part of a cargo to stop before traversing a highway-rail crossing. The stop is to be made between fifteen and fifty feet of the nearest rail. After stopping, the operator is required to listen and look in both directions for any approaching train and for signals indicating the approach of a train. The driver may proceed when it is safe to do so but may not manually shift gears while crossing. N.J. Rev. Stat. § 39:4-128(a) (1998).

### **Penalty**

A violation of this section, either by drivers of slow and low vehicles, or of special vehicles is punishable by a fine of not more than fifty dollars for the first offense and, for the second offense, a fine of not more than one hundred dollars, imprisonment for not more than thirty days, or both. N.J. Rev. Stat. § 39:4-128(c) (1998).

**Exempt Crossings** - Drivers of special vehicles are not required to stop at grade crossings which are no longer used for railroad traffic and that have been abandoned by the railroad, provided that it is clearly marked as such. Stop requirements are also not applicable at crossings where the tracks or warning signs have been removed or paved over. Stopping is not required at grade crossings marked with a sign reading "EXEMPT CROSSING".

New Jersey law vests exclusive authority with the Commissioner of Transportation to designate and mark any highway-rail crossing with an "EXEMPT CROSSING" sign. The Commissioner may not do so without holding a public hearing. "The Commissioner shall designate a grade crossing an exempt crossing when the potential for damage and injury from accidents between motor vehicles required to stop at grade crossings and other motor vehicles traveling in the same direction exceeds that between a train and the vehicles required to stop by law. Crossings designated as exempt crossings may include, but shall not be limited to, industrial, spur line and secondary crossings." N.J. Rev. Stat. § 39:4-128(a) (1998).

## **NEW MEXICO**

**Slow and Low Vehicles** - New Mexico's definitions for slow and low vehicles are consistent with a majority of other states and include those with an operating speed of ten miles an hour or less and a clearance of nine inches or less.

New Mexico law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. After stopping, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator may then proceed only after it is safe to do so. N.M. Stat. Ann. § 66-7-344(A) (Michie 1998).

Before moving slow and low vehicles across a highway-rail crossing, New Mexico law requires that notice be given to a station agent of the railroad and a reasonable time be given to the railroad to provide proper support. N.M. Stat. Ann. § 66-7-344(B) (Michie 1998).

New Mexico expressly prohibits crossing by operators of slow and low at crossings where an automatic signal, crossing gates, flagman or other device indicates the approach of a train. If a flagman is provided by the railroad, movement over the crossing must be made under the flagman's direction. N.M. Stat. Ann. § 66-7-344(D) (Michie 1998).

**Special Vehicles** - New Mexico law requires the driver of any motor vehicle carrying passengers for hire, any school bus carrying children, or any vehicle carrying explosive substances or flammable liquids as cargo or part of a cargo to stop within fifteen to fifty feet of the nearest rail of a highway-rail crossing. The drivers must then listen and look in both directions for an approaching train and for signals indicating the approach of a train. Drivers may move over the crossing only when it is safe to do so and may not shift gears while traversing the crossing. N.M. Stat. Ann. § 66-7-343(A) (Michie 1998).

A stop is not required at crossings where a police officer or a traffic control signal directs traffic to proceed. N.M. Stat. Ann. § 66-7-343(B) (Michie 1998).

**Exempt Crossings** - Drivers of special vehicles are not required to stop at the following exempt crossings:

- 1) A streetcar crossing or railroad crossing used exclusively for industrial switching purposes.

- 2) A grade crossing where traffic is controlled by a "stop and go" traffic light.
- 3) A clearly marked abandoned crossing.
- 4) An industrial or spur line crossing clearly marked as an "exempt" crossing.

N.M. Stat. Ann. § 66-7-343 C (1)-(2)-(3)-(4) (Michie 1998). See also Section 66-7-1, concerning the definition of business district.

## **NEW YORK**

**Slow and Low Vehicles** - New York law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. After stopping and before proceeding, the operator is required to listen and look in both directions for an approaching train and for signals indicating an approaching train and then proceed only when it is safe to do so. The driver is prohibited from manually switching gears while crossing the tracks. N.Y. [Veh. & Traf.] Law § 1171(a) (McKinney 1998).

**Special Vehicles** - The law requiring drivers of special vehicles to stop is the same as the law concerning slow and low vehicles and is contained within the same section. N.Y. [Veh. & Traf.] Law § 1171(a) (McKinney 1998).

New York requires drivers of any bus carrying passengers, any school bus and any vehicle carrying explosive substances or flammable liquids to stop at highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail of the crossing.

A listen and look requirement applies to drivers of special vehicles. Movement through the crossing may be commenced only when it is safe to do so. Drivers of special vehicles are also prohibited from shifting gears while crossing the tracks. N.Y. [Veh. & Traf.] Law § 1171(a) (1998).

**Exempt Crossings** - Slow and low vehicles and special vehicles need not comply with stopping requirements at crossings where a police officer or a traffic control signal directs traffic to proceed or at a grade crossing within a business or residential district. N.Y. [Veh. & Traf.] Law § 1171(b)-(c) (McKinney 1998).

## **NORTH CAROLINA**

**Slow and Low Vehicles** - North Carolina defines slow vehicles as any equipment or structure having a normal operating speed of five miles per hour or less. N.C. Gen. Stat. § 20-142.4(a) (1998).

Before moving slow or low vehicles across a highway-rail crossing, North Carolina law requires that notice be given to a superintendent of the railroad and a reasonable time be given to the railroad to provide protection at the intended crossing. N.C. Gen. Stat. § 20-142.4(b) (1998).

Slow and low vehicles must stop within fifteen to fifty feet of the nearest rail of the tracks. The operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The driver may proceed across the tracks only if it can be accomplished safely. N.C. Gen. Stat. § 20-142.4(c) (1)-(2)-(3) (1998).



At no time shall a crossing be made at any crossing where warning of the approach of a train is given by automatic signals, crossing gates, a flagman or other device. N.C. Gen. Stat. § 20-142.4(d) (1998).

### **Penalty**

Any person violating the preceding sections shall be guilty of an infraction and punishment will be in accordance with N.C. Gen. Stat. § 20-176 (1998). N.C. Gen. Stat. § 20-142.4(f) (1998). See also N.C. Gen. Stat. § 20-176 concerning punishment.

**Special Vehicles** - North Carolina law contains a couple of different descriptions in the special vehicle category. Along with any school bus, the statute includes any motor vehicle carrying passengers for compensation, any property-hauling motor vehicle over ten thousand pounds which is carrying hazardous materials and any motor vehicle with a capacity of sixteen or more persons.

Drivers of special vehicles in North Carolina are required to bring their vehicles to a stop at a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail of the tracks. The driver is then required to listen and look in both directions for an approaching train. After complying with these requirements, the driver may proceed across the tracks only when it is safe to do so and may not manually shift gears while crossing. N.C. Gen. Stat. § 20-142.3(a) (1998).

**Exempt Crossings** - Stopping requirements for drivers of slow and low vehicles are not applicable at any crossing "where the state or local authorities have determined that trains are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend ~~EXEMPT~~".

Drivers of special vehicles, except for school buses, are not required to comply with the stopping provisions at crossings used exclusively for industrial switching purposes within a business district or at highway-rail crossings where a police officer or flagman directs traffic to proceed.

The stopping provisions are not applicable at any crossings protected by gates or flashing signals designed to stop traffic upon the approach of a train when the gates or flashing signs are not activated, at crossings which are clearly marked abandoned by the railroad and at an industrial or spur line crossing marked with an "EXEMPT" sign erected by a competent local authority. N.C. Gen. Stat. § 20-142.3 b-1 to -5 (1998).

## **NORTH DAKOTA**

**Slow and Low Vehicles** - North Dakota's definition of slow and low vehicles is consistent with the majority of other states.

North Dakota law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. While stopped, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train. Movement over the crossing may only be commenced when it is safe to do so.

Traversing a crossing is prohibited at any crossing where warning of an approaching train is given by an automatic signal, crossing gates, flagman or other device. If a flagman is provided by the railroad, movement over the crossing must be done at the flagman's direction. N.D. Cent. Code § 39-10-67(1)-(2)-(3) (1998).

**Special Vehicles** - North Dakota law requires drivers of school buses and buses carrying passengers for hire to stop within a distance of fifteen to fifty feet of the nearest rail of a highway-rail crossing.

North Dakota law includes in its definition of vehicles carrying hazardous materials "any vehicle used to transport dangerous articles or any liquid having a flash point below 200° Fahrenheit (93.3° Celsius), cargo tank vehicles transporting a commodity having a temperature above its flash point at the time of loading, (and) certain cargo tank vehicles transporting commodities under special permits issued by the hazardous material regulation board...". N.D. Cent. Code § 39-10-43(1) (1998).

After stopping, drivers of these special vehicles must listen and look in both directions for an approaching train and for signals indicating the approach of a train, and may proceed only when it can be done safely. Drivers of special vehicles are prohibited from manually shifting gears while moving across a highway-rail crossing. N.D. Cent. Code § 39-10-43(1) (1998).

**Exempt Crossings** - No stop is required at any grade crossing where traffic is being controlled by a police officer. N.D. Cent. Code § 39-10-43(2) (1998).

North Dakota exempts drivers from the stopping requirements at a crossing which the Director of the South Dakota Department of Highways has designated as an "out-of-service" crossing and is marked by signs bearing the words "TRACKS OUT OF SERVICE". The "out-of-service" designation applies only to crossings where the track has been abandoned or is no longer in use. N.D. Cent. Code 39-10-43(3)-(4) (1998).

## **OHIO**

**Slow and Low Vehicles** - Ohio defines the vehicles in this category as any equipment or structure having a normal operating speed of six miles an hour or less.

Before moving slow and low vehicles across a highway-rail crossing, Ohio law requires that notice be given to a station agent of the affected railroad to allow the railroad reasonable time to provide proper protection at the crossing. Apparently no notice is required if the normal operating speed of the vehicle or structure is above three miles an hour. Ohio law further states that if the vehicle or equipment is used in repair work which makes repeated crossings necessary, only one daily notice giving the hours of the work is required. Ohio Rev. Code Ann. § 4511.64 (Anderson 1998).

Ohio law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The operator must listen and look for trains and train signals and may cross only when it is safe to proceed. Ohio law does not specify where the stop is to be made with respect to distance from the nearest rail. Ohio Rev. Code Ann. § 4511.64(A) (Anderson 1998).

In Ohio, an operator of a slow or low vehicle is expressly prohibited from crossing at any crossing where an automatic signal, gate, flagman or other device indicates an approaching train. Ohio Rev. Code Ann. § 4511.64(B) (Anderson 1998).

**Special Vehicles** - Ohio law requires drivers of school buses, vehicles carrying passengers for hire and vehicles carrying hazardous materials to stop and listen through an open door and look in both directions for an approaching train and for signals indicating the approach of a train. Drivers are instructed to proceed only after exercising due care. The manual shifting of gears is prohibited while moving over the crossing. Ohio Rev. Code Ann. § 4511.63(A) (Anderson 1998).

Also included in this special vehicle category are “trackless trollies” carrying passengers. Ohio does not specify where the stop must be made.

**Exempt crossings** - Stops under the preceding section are not required at crossings within a municipal corporation or at abandoned, spur, side or industrial tracks when such exemption has been approved by the Public Utility Commission.

Ohio law also exempts special vehicles from the stopping requirements at any street railway crossing where out-of-service signs are posted. Note: According to the code section, this exemption is applicable through June 30, 1995. Ohio Rev. Code Ann. § 4511.63(B)-1-2 (Anderson 1998).

## **OKLAHOMA**

**Slow and Low Vehicles** - Oklahoma has no provisions regulating stops by drivers of slow and low vehicles.

**Special Vehicles** - Oklahoma law requires drivers of any motor vehicle carrying passengers for hire, school buses carrying children and vehicles carrying hazardous materials to stop within 50 feet but not more than 15 feet from the nearest rail at highway-rail crossings. Upon stopping, drivers of special vehicles are required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. Drivers of special vehicles may proceed only when it is safe to do so but may not shift gears while crossing. Okla. Stat. tit. 47, § 11-702(a) (1999).

**Exempt Crossings** - Drivers of special vehicles are not required to stop at any crossing where a police officer or a traffic control signal directs traffic to proceed. Okla. Stat. tit. 47 § 11-702(b) (1999).

## **OREGON**

**Slow and Low Vehicles** - Oregon law requires that prior notice be given to a responsible officer of the railroad before moving any slow or low vehicles across a highway-rail crossing. The notice must be given to the railroad in time for protection to be given. Or. Rev. Stat. § 811.470(1)a (1999). See also Or. Rev. Stat. § 811.470(2) (1999).

Oregon law requires stops at a clearly marked line or, absent any marked line, within fifteen to fifty feet from the nearest rail of the tracks. After stopping and before proceeding, an operator of a slow or low vehicle is required to listen and look in both directions for approaching trains. The driver may not proceed over the tracks until it is safe to do so. Or. Rev. Stat. § 811.470(A)-(B)-(C) (1999).

**Penalty** - A violation for improper movement of heavy equipment across a highway-rail crossing is a Class C traffic infraction. Or. Rev. Stat. § 811.470(3) (1999).

**Special Vehicles** - Oregon refers to vehicles in this category as "high-risk vehicles". Listed in this category are school buses, school activity vehicles with a loaded weight of ten thousand pounds or more, worker transport buses, buses used for transporting children to and from church or a function or activity authorized by the church and vehicles used to transport persons for hire by a non-profit entity (see Or. Rev. Stat. § 767.025(9) for an explanation of this type of vehicle). Additional vehicles under this category include commercial buses and vehicles carrying hazardous materials. Or. Rev. Stat. § 811.460(2)-a to -g (1999).

Operators of high-risk vehicles are required to stop at a clearly marked stop line or, if there is no marked stop line, within fifteen to fifty feet of the nearest rail of the tracks. After stopping, operators are required to listen and look in both directions for approaching trains and for signals indicating an approaching train. An operator may proceed only when it is safe to do so and may not manually shift gears while moving over the tracks. Or. Rev. Stat. § 811.460(1)-A to -C (1999).

**Penalty** - Failing to follow rail crossing procedures for high-risk vehicles is a Class B traffic infraction.

**Exempt Crossings** - All high-risk vehicles are exempt from the stopping requirements at a street or highway and street railroad tracks, and at interurban electric crossings where traffic control signals or a police officer directs traffic to proceed. All high-risk vehicles are also exempt from the stopping requirements at crossings protected by crossing gates, at industry tracks within districts in which the designated speed for vehicles is twenty miles per hour or less and at industry track crossings across which trains are required to be operating under the control of a flagman. Or. Rev. Stat. § 811.465(1) to -(8) (1999). School buses are not exempt from these requirements. See also Section 811.460 concerning school buses).

Additional highway-rail crossings for which stopping requirements do not apply include tracks upon which operation has been abandoned and for which the Department of Transportation Commission has plainly marked that no stop be made. Commercial buses need not stop under the same conditions as above, except in the case of an approaching train.

## **PENNSYLVANIA**

**Slow and Low Vehicles** - In the statutory definition of slow and low vehicles, Pennsylvania refers to "power" not "steam" shovels. 75 Pa. Cons. Stat. Ann. § 3343(a) (1999).

Before moving slow and low vehicles across a highway-rail crossing, Pennsylvania law requires that reasonable notice be given to an authorized representative of the railroad so as to allow the affected railroad time to protect the crossing. 75 Pa. Cons. Stat. Ann. § 3343(b) (1999).

Pennsylvania law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail of the tracks. The operator must listen and look for trains and train signals, and may move over the crossing only when it can be done safely. 75 Pa. Cons. Stat. Ann. § 3343(c) (1999).

Pennsylvania law expressly prohibits moving over crossings where a warning of an approaching train is indicated by an automatic signal, crossing gates, a flagman or other device. If the railroad supplies a flagman, movement over the crossing must be at the flagman's direction. 75 Pa. Cons. Stat. § 3343(d) (1999).

**Special Vehicles** - Pennsylvania law requires operators of school buses, whether or not they are carrying passengers, and every truck tractor combination transporting gasoline, diesel fuel, fuel oil, explosives or radioactive materials to stop within fifteen to fifty feet of the nearest rail of the tracks. After stopping, drivers of special vehicles are required to listen and look in both directions for an approaching train and for signals indicating an approaching train, and may proceed only when it is safe to do so. Operators of special vehicles are prohibited from manually shifting gears while traversing the crossing. Also, the driver of any vehicle covered by this section is required to activate the vehicle hazard lights when stopping at the railroad crossing. 75 Pa. Cons. Stat. § 3342(b)(e) (1999).

Another subsection of this section requires the Pennsylvania Department of Transportation to publish in the Pennsylvania Bulletin a notice describing the vehicles which must comply with the stopping requirements. In developing the list of vehicles, the Department must take into consideration the hazardous nature of any substance carried by the vehicle as determined by the Department and to the number of passengers carried by the vehicle in determining whether the vehicle should be required to stop. The list of vehicles must correlate with and so far as possible conform to the regulations of the U.S. Department of Transportation as amended from time to time. 75 Pa. Cons. Stat. § 3342(d) (1999).

**Exempt Crossings** - Pennsylvania exempts operators of special vehicles from stopping at crossings where traffic is controlled by a police officer, flagman or traffic control signal. Stops are also not required at any railroad grade crossing where a traffic control device gives notice that a stop is not necessary. Additionally, stops are not required at any abandoned crossing clearly marked as abandoned and at an industrial or spur line marked with a sign reading "exempt." Any such "exempt sign may only be erected with the consent of the Pennsylvania Public Utility Commission. 75 Pa. Cons. Stat. § 3342(c) 1-2-3-5 (1999).

### **Penalty**

A violation of Section 3342 constitutes a summary offense punishable by a fine of one hundred dollars to one hundred fifty dollars except that a violation of subsection (b) or (e) is punishable by a fine of from two hundred to five hundred dollars. 75 Pa. Con. Stat. § 3342(f) (1999).

## **RHODE ISLAND**

**Slow and Low Vehicles** - Before moving slow and low vehicles across a highway-rail crossing, Rhode Island requires that reasonable notice be given to a station agent of the affected railroad so proper protection can be provided.

Rhode Island law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made fifteen to fifty feet from the nearest rail of the tracks. After complying with the stopping requirements, operators are required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator may then proceed only when it is safe to do so. R.I. Gen. Laws § 31-20-5(a)-(b)-(c) (1999).

Rhode Island law expressly prohibits crossing when warning of an approaching train is given by an automatic signal, crossing gates, flagman or other device. If a flagman is used, movement over the crossing must be done under the flagman's direction. R.I. Gen. Laws § 31-20-5(d) (1999).

**Special Vehicles** - Rhode Island requires drivers of school buses carrying children, vehicles carrying passengers for hire and vehicles transporting hazardous materials to stop at crossings. Stops are to be made within fifteen to fifty feet of the nearest rail of the tracks. Drivers of special vehicles are required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The driver may then proceed only when it is safe to do so and is prohibited from manually shifting gears while traversing the crossing. R.I. Gen. Laws § 31-20-4(a) (1999).

**Exempt Crossings** - Drivers of special vehicles need not stop at crossings where traffic is controlled by a traffic-control signal or a police officer, or at crossings located in a business or residential district. See R.I. Gen. Laws § 31-20-4(b)(c) (1999).

## **SOUTH CAROLINA**

**Slow and Low Vehicles** - South Carolina's definition of slow and low vehicles is consistent with the majority of other states.

South Carolina requires that reasonable notice be given to a station agent of the affected railroad before moving slow and low vehicles over highway-rail crossings.

South Carolina laws requires persons operating slow and low vehicles to stop at highway-rail crossings. The stops must be made within fifteen to fifty feet of the nearest rail of the rail. While stopped, the operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator may not move over the crossing until it is safe to do so. S.C. Code Ann. § 56-5-2725(a)-(b)-(c) (1998).

Moving over crossings are prohibited where warning of the approach of a train is given by an automatic signal, crossing gates, a flagman or other device. If a flagman is provided by the railroad, any movement over the crossing must be done under the flagman's direction. S.C. Code Ann. § 56-5-2725 (1998).

**Special Vehicles** - South Carolina law requires drivers of school buses, motor vehicles with a capacity of sixteen or more persons and vehicles transporting hazardous materials to stop at crossings. Stops are to be made within fifteen to fifty feet of the nearest rail of the tracks. After stopping, South Carolina law requires drivers to listen and look in both directions for an approaching train and for signals indicating an approaching train. The driver may proceed across the crossing only when it is safe to do so. S.C. Code Ann. § 56-5-2720(A) (1998).

**Exempt Crossings** - Drivers of special vehicles, with the exception of school buses, are exempt from the stopping requirements at crossings where traffic is controlled by a police officer or flagman, at crossings where there is a traffic control signal, at crossings with crossing gates or alternating flashing light signals where the gates or signals do not indicate the approach of a train and at crossings where an official traffic control device gives notice that stopping requirements do not apply. S.C. Code Ann. § 56-5-2720(B) 1- to -4 (1998).

## **SOUTH DAKOTA**

**Slow and Low Vehicles** - South Dakota's definitions of slow and low vehicles are consistent with the majority of other states. S.D. Codified Laws Ann. § 32-29-8 (1999).

Before moving slow and low vehicles across a highway-rail crossing, South Dakota law requires that reasonable notice be given to a station agent of the affected railroad in order to allow a reasonable period of time to provide proper protection at the crossing.

South Dakota law requires drivers of slow and low vehicles to stop within fifteen to fifty feet of the nearest rail of the tracks. While stopped, the driver must listen and look in both directions for an approaching train, and for signals indicating the approach of a train. The driver may proceed only when it can be done safely.

Moving over a crossing is prohibited at any crossing where warning of the approach of a train is given by an automatic signal, crossing gates, a flagman or other device. If a flagman is provided by the

railroad, movement over the crossing is to be done under the flagman's direction. S.D. Codified Laws Ann. § 32-29-9 (1999).

### **Penalty**

Any violation of requirements by drivers of slow and low vehicles is a Class 2 misdemeanor. S.D. Codified Laws Ann. § 32-29-9 (1999).

**Special Vehicles** - South Dakota requires drivers of motor vehicles carrying passengers for hire, school buses carrying passengers, any vehicle carrying passengers owned or operated by a non-profit organization requiring inspection pursuant to Section 32-21-3.1 of South Dakota Codified Laws or any vehicle carrying explosive substances or combustible or flammable liquids as cargo or part of a cargo to stop at highway-rail crossings. South Dakota law mandates stops be within fifty feet of the nearest rail of the tracks. Drivers may not proceed until it is safe to do so. S.D. Codified Laws Ann. § 32-29-5 (1999).

### **Penalty**

Drivers of special vehicles found in violation of these requirements are guilty of a Class 2 misdemeanor.

**Exempt Crossings** - The stopping requirements for special vehicles do not apply at crossings where a police officer or traffic control signal directs traffic to proceed or at crossings clearly marked with a special sign as provided in Section 31-28-7. S.D. Codified Laws Ann. § 32-29-5 (1999).

## **TENNESSEE**

**Slow and Low Vehicles** - Tennessee law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail. After stopping, the operator must listen and look in both directions for an approaching train and for signals indicating the approach of a train. The driver may not proceed until it is safe to do so.

Tennessee law prohibits crossing when an automatic signal, crossing gates, a flagman or other device gives warning of an approaching train. If a flagman is used by the railroad, any movement over the crossing must be done under the flagman's direction. Tenn. Code Ann. § 55-8-148 (1999).

**Special Vehicles** - Tennessee law requires drivers of school buses carrying any children, vehicles carrying passengers for hire and vehicles transporting explosive substances or flammable liquids as cargo or part of a cargo to stop at crossings. The stops must be made within fifteen to fifty feet of the nearest rail of the tracks. The driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train, and may then proceed only when it is safe to do so. While proceeding over the highway-rail crossing, the driver is prohibited from shifting gears. Tenn. Code Ann. § 55-8-147(a) (1999).

### **Penalty**

A violation of the “stop” requirement by drivers of special vehicles is a Class B misdemeanor. Tenn. Code Ann. § 55-8-147(c) (1999).

**Exempt Crossings** - Drivers of special vehicles are exempt from the stopping requirements at crossings where a police officer or a traffic control signal directs traffic to proceed. Tenn. Code Ann. § 55-8-147(b) (1999).

## **TEXAS**

**Slow and Low Vehicles** - Texas law defines slow and low vehicles a crawler-type tractor, steam shovel, derrick, or roller; and any other equipment or structure with a normal operating speed of 10 miles per hour or less. Before moving slow and low vehicles across a highway-rail crossing, Texas law requires that notice be given to a station agent so as to allow the affected railroad a reasonable period of time to provide proper protection at the crossing.

The statute requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made fifteen to fifty feet from the nearest rail of the tracks. After stopping, the operator must listen and look in both directions for the approach of a train and for signals indicating the approach of a train. The operator may then proceed over the tracks when it is safe to do so.

Traversing a crossing is prohibited at crossings where warning of an approaching train is given by automatic signals, crossing gates, a flagman or other device. If a flagman is used by the railroad, movement over the crossing must be made under the flagman's direction. Tex. [Transp.] Code Ann. § 545.255 (1999).

**Special Vehicles** - Drivers of school buses must stop fifteen to fifty feet from the nearest rail of the tracks. The law allows drivers of school buses to proceed only when it is possible to do so safely and the drivers are prohibited from shifting gears while moving over the crossing.

**Exempt Crossings** - Texas does not require school buses to stop at an abandoned railroad crossing that is marked with a sign reading "tracks out of service, or an industrial or spur line crossing that is marked with a sign reading "exempt. Tex. [Transp.] Code Ann. § 545.2535 (West 1999).

Drivers of vehicles that have an explosive substance or flammable liquid as their principal cargo and is moving at a speed of more than 20 miles per hour are required to reduce the speed of the vehicle to 20 miles per hour or less before coming within 200 feet of the nearest rail. After the proper speed reduction, the driver is required listen and look in both directions along the track and for signal indicating the approach of a train and may not proceed until a determination is made that the course is clear. Tex. [Transp.] Code Ann. § 545.254 (West 1999).

The same section requires the driver of a vehicle carrying an explosive substance or flammable liquid as its principal cargo, before crossing a railroad grade crossing on a highway within a municipality to stop the vehicle not closer than 15 feet or farther than 50 feet from the nearest rail. After stopping, the driver is required to listen and look in both directions along the track and for signals indicating the approach of a train.

**Exempt Crossings** - Stops are not required at crossings where a police officer, crossing flagger, or traffic-control signal directs traffic to proceed; or where a flashing signal is installed and does not indicate an approaching train; or at an abandoned or exempted crossing that is clearly marked; or at a streetcar crossing in a business or residential district of a municipality, and at a railroad track used exclusively for industrial switching purposes in a business district.

## **Penalty**

An offense under this section of the code is punishable by a fine of not less than fifty dollars or more than two hundred dollars. Tex. [Transp.] Code Ann. § 545.254 (West 1999).



## **UTAH**

**Slow and Low Vehicles** - Utah refers to "power" and not "steam" shovels. Utah Code Ann. § 41-6-98(1) (1999).

Before moving slow and low vehicles across a highway-rail crossing, Utah law requires that notice be given to a station agent of the affected railroad. It also provides that the railroad be given reasonable time to provide proper protection at the crossing. Utah Code Ann. § 41-6-98(2) (1999).

Utah requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within ten to fifty feet of the nearest rail of the tracks and the operator must listen and look for approaching trains and for signals indicating the approach of a train. Having complied with these requirements, the operator may then proceed only if it is safe to do so. Utah Code Ann. § 41-6-98(3) (1999).

Crossing is prohibited at any crossing where warning is given of an approaching train by an automatic signal, crossing gates, a flagman or other device. If the railroad provides a flagman, then movement over the crossing shall be done at the flagman's direction. Utah Code Ann. § 41-6-98(4) (1999).

**Special Vehicles** - Utah does not specifically mention school buses, vehicles transporting passengers for hire and vehicles transporting hazardous materials as being included in the stopping requirements at highway-rail crossings. The statute specifies that the Utah Department of Transportation is responsible for adopting any necessary rules describing the vehicles that must comply with the stopping requirements. See Utah Code Ann. § 41-6-97(3)(a)(b) (1999).

Stops are to be made within fifteen to fifty feet of the nearest rail of the tracks. Drivers are required to listen and look in both directions for any approaching train and for signals indicating the approach of a train.

After informing drivers of special vehicles to stop, listen and look, Utah law requires that they proceed over the crossing only when it is safe to do so. In moving over the crossing, the driver is prohibited from manually shifting gears. Utah Code Ann. § 41-6-97(a)(b) (1999).

**Exempt Crossings** - Utah law exempts drivers of special vehicles from the stopping requirements at crossings where traffic is controlled by a police officer, flagman or traffic control signal and at crossings where an official traffic control device gives notice that the stopping requirements do not apply. Utah Code Ann. § 41-6-97(2)a-b-c (1999).

## **VERMONT**

**Slow and Low Vehicles** - Before moving slow and low vehicles over highway-rail crossings, Vermont law requires that stops be made within fifteen to fifty feet of the nearest rail of the tracks. While stopped, the driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. Having complied with these requirements, the driver may then proceed over the crossing, but only when movement can be accomplished safely. Vt. Stat. Ann. tit. 23, § 1073(a)(b) (1999).

No stop need be made at crossings where warning of an approaching train is given by an automatic signal, crossing gates, flagman or other device. If a flagman is provided by the railroad, movement over the crossing must be under the flagman's direction. Vt Stat. Ann. tit. 23, § 1073(c)(d) (1999).

**Special Vehicles** - Vermont requires drivers of school buses or other motor vehicles transporting children, or any motor vehicle carrying passengers for hire except jitneys designed to carry not more than seven passengers including the driver, to stop at highway-rail crossings. Stops are to be made within fifteen to fifty feet of the nearest rail of the tracks.

While stopped, the driver of a special vehicle is required to listen and look in both directions for any approaching train and may not proceed until it is safe to do so. Vt. Stat. Ann. tit. 23, § 1072(a) (1999). Drivers of a Type I school bus stopping as required shall open the door of the bus before crossing. Drivers of Type II school buses are required to open the left front window. Vt. Stat. Ann. tit. 23, § 1072(c) (1999).

"A stop is not required at any crossing where an attendant, an enforcement officer or a traffic-control signal directs traffic to proceed." Vt Stat. Ann. tit. 23, § 1072(b) (1999).

**Exempt Crossings** - Stopping is not required at a crossing that has been designated as "EXEMPT" by the Vermont Transportation Board. Vt. Stat. Ann. tit. 23, § 1072(d) (1999).

## **VIRGINIA**

**Slow and Low Vehicles** - Before moving slow and low vehicles across a highway-rail crossing, Virginia law requires that notice be given to a station agent of the affected railroad and that reasonable time be afforded to provide proper protection at the crossing.

Virginia law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made with fifteen to fifty feet of the nearest rail of the tracks. While stopped, the operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train, and shall not proceed until it is safe to do so. This section does not apply in cities or towns. Va Code Ann. § 46.2-887 (Michie 1999).

**Special Vehicles** - Virginia law requires drivers of school buses, motor vehicles carrying passengers for hire and vehicles carrying explosive substances or flammable liquids as cargo or part of a cargo to stop at highway-rail crossings. This section does not apply at crossings within cities or towns. Stops are required to be made within fifteen to fifty feet of the nearest rail of the tracks. The driver is then required to listen and look in both directions for any approaching train and for signals indicating the approach of a train. Drivers may proceed through the crossing only when it is safe to do so and are prohibited from manually shifting gears while crossing. Va. Code Ann. § 46.2-886 (Michie 1999).

**Exempt Crossings** - Drivers of special vehicles are exempt from the stopping requirements at any crossing where a law enforcement officer or a traffic control signal directs traffic to proceed. Va. Code Ann. § 46.2-886 (Michie 1999).

## **WASHINGTON**

**Slow and Low Vehicles** - Before moving slow and low vehicles across a highway-rail crossing, Washington law requires that notice be given to a station agent of the affected railroad in sufficient time so as to allow the railroad to provide protection for the crossing.

Washington law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to twenty feet of the nearest rail of the tracks and the operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator may move over the crossing only when it is safe to do so. Wash. Rev. Code Ann. § 46.61.355(1)-(2)-(3) (West 1999).

Washington expressly prohibits crossing when warning of an approaching train is given by an automatic signal, crossing gates or a flagman. If a flagman is used by the railroad, movement over the crossing will be done under the flagman's direction. Wash. Rev. Code Ann. § 46.61.355(4) (West 1999).

**Special Vehicles** - Washington requires drivers of school buses carrying children, private carrier buses carrying passengers, vehicles carrying passengers for hire, excluding passenger cars, and vehicles transporting hazardous materials as cargo or part of a cargo, to stop at highway-rail crossings. The stop must be made within fifteen to fifty feet of the nearest rail of the tracks. After stopping, the driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. Drivers may proceed over the crossing only when it is safe to do so. While proceeding over the crossing, the driver is prohibited from manually shifting gears. Wash. Rev. Code Ann. § 46.61.350(1) (West 1999).

**Exempt Crossings** - The stopping requirements for drivers of special vehicles do not apply at a highway-rail crossing where traffic is controlled by a police officer or a duly authorized flagman or at any crossing where traffic is regulated by a traffic control signal. Stops are also not required at crossings protected by crossing gates or alternately flashing lights designed to give warning of an approaching train. Wash. Rev. Code Ann. § 46.61.350(2)a-b-c (West 1999).

Stops are not required at crossings where an official traffic control device gives notice that the stopping requirements do not apply. Wash. Rev. Code Ann. § 46.61.350(2)d (West 1999). Also see Section 81.53.60.

## **WEST VIRGINIA**

**Slow and Low Vehicles** - West Virginia's definition of vehicles under this category is consistent with the majority of other states.

Before moving slow and low vehicles across a highway-rail crossing, West Virginia law requires that notice be given to a station agent of the affected railroad in reasonable time so as to allow the railroad to provide proper protection at the crossing.

West Virginia law requires persons operating slow and low vehicles to stop before crossing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail of the tracks. After stopping, the operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train, and may not move over the crossing until it can be done safely. W. Va. Code § 17C-12-4(a)-(b)-(c) (1999).

Movement over crossings is prohibited at crossings where warning of an approaching train is given by an automatic signal, crossing gates, flagman or other device. If a flagman is used by the railroad, movement over the crossing must be under the flagman's direction. W. Va. Code § 17C-12-4 (1999).

**Special Vehicles** - West Virginia requires drivers of school buses carrying children, vehicles carrying passengers for hire, vehicles transporting hazardous materials and vehicles owned by an employer that is carrying six or more employees to or from work to stop at highway-rail crossings. Stops must be made within fifteen to fifty feet of the nearest rail of the tracks. After stopping, the driver is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train, and then may move over the crossing only when it can be done safely. The driver is prohibited from manually shifting gears while crossing the tracks. W. Va. Code § 17C-12-3(a) (1999).

**Exempt Crossings** - West Virginia exempts drivers from the stopping requirements at any crossing where a police officer or traffic control signal directs traffic to proceed. In addition, West Virginia exempts drivers from the stopping requirements at crossings within business or residential districts. W. Va. Code § 17C-12-3(c) (1999).

## **WISCONSIN**

**Slow and Low Vehicles** - Wisconsin law does not have requirements concerning slow and low vehicles at highway-rail crossings.

**Special Vehicles** - Wisconsin requires drivers of every motor bus transporting passengers and vehicles transporting hazardous materials to stop at highway-rail crossings. Wisconsin includes in the hazardous materials category, every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any liquid having a flash point below two hundred degrees Fahrenheit, and every cargo tank motor vehicle transporting a commodity which, at the time of loading, has a temperature above its flash point. Wis. Stat. § 346.45(1) a-am-c-d-e (1999).

All stops must be made within fifteen to fifty feet of the nearest rail of the tracks and the driver is required to listen and look in both directions for an approaching train. The driver may not proceed until it is safe to do so. If an auxiliary lane is provided for stopping at a highway-rail crossing, drivers of vehicles required to stop must use the lane to do so. Wis. Stat. § 346.45(1)-(2) (1999).

**Exempt Crossings** - Wisconsin lists a number of circumstances at crossings which exempt drivers of special vehicles from the stopping requirements. They are as follows:

- 1) At crossings where a police officer or flagman directs traffic to proceed.
- 2) At crossings where an official traffic control signal allows traffic to proceed.
- 3) At crossings clearly marked abandoned.
- 4) At crossings marked with a sign in accordance with Section 195.285. of the Wisconsin statutes. See also. Section 195.285 for explanation.

Wisconsin does not exempt those crossings with gates or flashing lights. Wis. Stat. § 346.45(3)-a to -d (1998).

## **WYOMING**

**Slow and Low Vehicles** - Before moving slow and low vehicles across a highway-rail crossing, Wyoming law requires that notice be given to a station agent of the affected railroad with reasonable time so as to allow for the provision of proper protection at the crossing.

Wyoming law requires persons operating slow and low vehicles to stop before traversing a highway-rail crossing. The stop must be made within fifteen to fifty feet of the nearest rail of the tracks. The operator is required to listen and look in both directions for an approaching train and for signals indicating the approach of a train. The operator may not proceed over the crossing until it is safe to do so.

No crossing may be made when warning of an approaching train is given by an automatic signal, crossing gates, flagman or other device. If a flagman is used by the railroad, movement through the crossing must be made under the flagman's direction. Wyo. Stat. § 31-18-602(a) to -(d) (1999).

**Special Vehicles** - Wyoming requires drivers of any motor vehicle carrying passengers for hire, school buses whether empty or carrying children and vehicles transporting hazardous materials to stop at highway-rail crossings. Drivers of vehicles in this category are required to activate their four-way hazard flashers prior to stopping at the crossing. Stops must be made within fifteen to fifty feet of the nearest rail of the tracks. The driver is then required to listen and look in both directions for any approaching train and for signals indicating the approach of a train. The driver is prohibited from manually shifting gears while moving over the crossing. Wyo. Stat. § 31-5-511(a) (i)- to -(iv) (1999).

**Exempt Crossings** - Except for school buses, drivers of other special vehicles do not have to comply with the stopping requirements at crossings where traffic is controlled by a police officer, a flagman or a traffic control signal, at crossings protected by crossing gates or alternately flashing light signals, and at crossings where an official traffic control device gives notice that the stopping requirements do not apply. Wyo. Stat. § 31-5-511(b) (i)- to -(iv) (1999).